

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 08-cr-30221-MJR</b>
	)	
<b>MARCUS POWELL,</b>	)	
	)	
<b>Defendant.</b>	)	

**ORDER**

**REAGAN, District Judge:**

On September 3, 2009, Defendant Marcus Powell filed a *pro se* motion to withdraw his guilty plea, contending that he was misled or “tricked” by his counsel Terry M. Green as to the quantity of drugs attributable to him. On the same day, the Court denied Defendant’s motion because he is represented by court-appointed counsel and not entitled also to represent himself by filing motions without aid of counsel. *See* **28 U.S.C. § 1654; McKaskle v. Wiggins, 465 U.S. 168 (1984)**. The Court ordered Green to consult with Defendant and to file a report regarding Defendant’s motion (Doc. 78).

On September 21, 2009, Green filed the required report and a motion for the appointment of independent counsel to consider Defendant’s motion (Docs. 79, 80). Green believes that there is a bona fide issue regarding his discussions with Defendant as to the federal sentencing system, the Sentencing Guidelines and the issue of relevant conduct. As a result, he moves the Court to appoint counsel for the limited purpose of determining if Defendant has valid grounds to withdraw his guilty plea as he alleges.

The Court believes that the better course is to withdraw Green's representation of Defendant and to appoint new counsel for him. Accordingly, the Court **DENIES as moot** defense counsel Terry M. Green's motion for appointment of independent counsel (Doc. 80). The Court hereby **WITHDRAWS** the appointment of Terry M. Green and **APPOINTS** James Gomric, O'Gara & Gomric, P.C., 6 East Washington, Belleville, Illinois, to represent Defendant in this matter. Gomric shall file a motion to withdraw Defendant's guilty plea by October 19, 2009. The Court sets a hearing on Defendant's motion to withdraw his guilty plea on **November 6, 2009, at 11:00 a.m.**

**IT IS SO ORDERED.**

**DATED this 23rd day of September, 2009.**

s/Michael J. Reagan  
**MICHAEL J. REAGAN**  
**United States District Judge**